

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

MONSANTO COMPANY and  
MONSANTO TECHNOLOGY LLC,

Plaintiffs/Counterclaim Defendants,

v.

E.I. DU PONT DE NEMOURS AND CO. and  
PIONEER HI-BRED INTERNATIONAL, INC.,

Defendants/Counterclaim .

Case No. 09-cv-0686 (ERW)

**MOTION FOR EXTENSION OF TIME**

Defendants E. I. du Pont de Nemours and Co. and Pioneer Hi-Bred International, Inc. (collectively, “Defendants”) move for an extension of time to file their Response to Monsanto’s Motion to Unseal the Court’s December 21, 2011 Memorandum and Order Regarding Monsanto’s Motion for Sanctions (Dkt. 1003) (“Monsanto’s Motion”), filed on January 5, 2012.

Defendants’ Response is currently due on Tuesday, January 17, 2012. Defendants seek leave to file their Response to Monsanto’s Motion by no later than Friday, January 27, 2011, an extension of ten calendar days (eight business days). This additional time is necessary because Robert T. Haar and Lisa A. Pake of Haar & Woods, LLP were just retained as additional counsel for Defendants on January 12, 2012 and promptly thereafter filed entries of appearance. (Dkts. 1010 and 1011). Mr. Haar and Ms. Pake will be actively involved in this case going forward. The additional time requested by Defendants will allow them to review Monsanto’s Motion and the related court filings and participate in the preparation of Defendants’ response to the important issues raised in Monsanto’s motion. Neither Mr. Haar nor Ms. Pake were able to begin receiving the relevant materials until their entry of an appearance due to the fact that all of these materials were filed under seal and subject to the Protective Order entered by the Court.

On January 9, 2012, Monsanto advised that it would agree to extend the response date to January 20, 2012, but not to January 27, 2012. On January 12, 2012, Defendants asked Monsanto to reconsider its position in view of the entries of appearance by Mr. Haar and Ms. Pake earlier in the day. Monsanto's counsel has not responded to this request. Defendants' requested extension of five additional business days beyond January 20, 2012 is reasonable and appropriate, particularly since Monsanto's Motion does not impact any case management deadlines in this case. Defendants assure the Court that the requested extension is not being advanced for purposes of unnecessary delay.

Defendants respectfully request that Court grant the instant motion and allow Defendants to file their Response to Monsanto's Motion to Unseal the Court's December 21, 2011 Memorandum and Order Regarding Monsanto's Motion for Sanctions by no later than Friday, January 27, 2012.

Dated: January 13, 2012

Respectfully submitted,

**LEWIS, RICE & FINGERSH, L.C.**

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*Counsel for Defendants E.I. du Pont de Nemours and Company and Pioneer Hi-Bred International, Inc.*

#### **CERTIFICATE OF SERVICE**

I hereby certify that on January 13, 2012, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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